



Superior Court of California County of Colusa

JEFFREY A. THOMPSON
PRESIDING JUDGE

532 Oak Street
Colusa, CA 95932

ERIKA F. VALENCIA
COURT EXECUTIVE OFFICER
CLERK OF THE COURT
JURY COMMISSIONER

ELIZABETH UFKES OLIVERA
ASSISTANT PRESIDING JUDGE

PHONE: 530-458-5149
FAX: 530-458-2230

MEMORANDUM

TO: Governmental Officers and Interested Parties

FROM: Colusa County Grand Jury

SUBJECT: Colusa County Grand Jury 2021-2022 Final Report

DATE: June 27, 2022

Enclosed please find a copy of the 2021-2022 Colusa County Grand Jury Final Report.

A copy of California of California Penal Code Section 933 is attached which provides for comments in response to the Report.

State of California

PENAL CODE

Section 933

933. (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

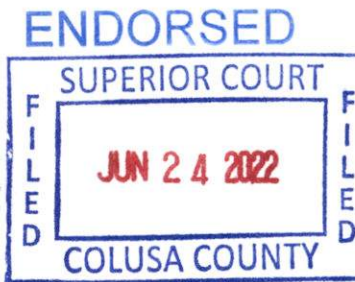
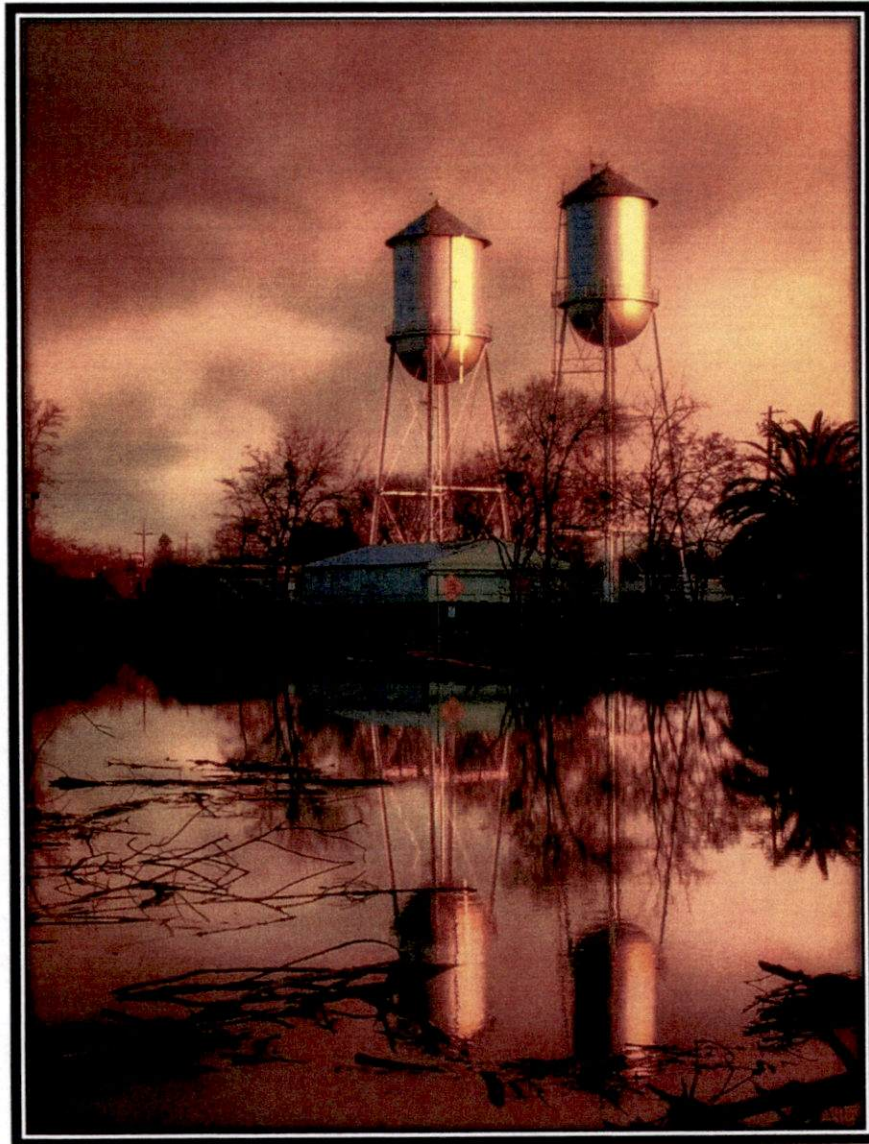
(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

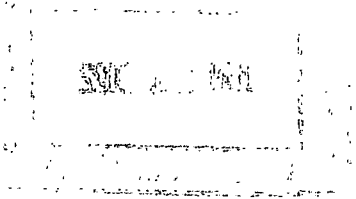
(d) As used in this section "agency" includes a department.

(Amended by Stats. 2002, Ch. 784, Sec. 538. Effective January 1, 2003.)

CIVIL GRAND JURY | 2021 – 2022
COUNTY OF COLUSA



FINAL REPORT



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Cover Photo Credit: Michael Garofalo

JURY MEMBERS | 2021-2022

Marilyn Acree, Foreperson &
CPS Committee Co-Chairperson

Derrick Ash, Foreperson Pro Tempore

Margo Cheuvront, Secretary

Steven Codorniz, Sergeant at Arms

Katie Dunlap, City Committee Chairperson

Julie Garofalo, City Committee Co-Chairperson

Yolanda Swearinger, CPS Committee Chairperson

Suzie Plaza, Jail Committee Chairperson

Matthew Boeger, Jail Committee Co-Chairperson

Chris Greene, Editorial Committee Chairperson

Robert Alvernaz

Johnny Barnette

Thomas Charter

Kenneth Flagor

Deborah Jimenez

Steven Nader

Eric Rasmussen

Adam Shifflet

Peggy Townzen

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FOREPERSON'S LETTER



COLUSA COUNTY CIVIL GRAND JURY
P.O. BOX 715
COLUSA, CA 95932
PHONE: (530) 458-0431

June 15, 2022

Honorable Jeffrey A. Thompson, Presiding Judge
Superior Court of California, County of Colusa
532 Oak Street
Colusa, California 95932

Dear Judge Thompson:

As Foreperson of the 2021-2022 Colusa County Civil Grand Jury, I am privileged to provide you with the Grand Jury's final report.

On behalf of my fellow jurors, we collectively feel honored to have served Colusa County while undertaking our civic duty with tenacity and integrity as we performed the duties entrusted to us.

During our tenure, we were tasked with several unique complaints that presented challenges for our Grand Jury members in realizing the criticality of their role and, in some instances, necessitating the Jurors to step out of their comfort zone to pursue the oversight and tough questions required by a Grand Jury. They performed said duties with determination, ethics, and the willingness to listen and hear all parties.

While COVID-19 restrictions were lessened during our term, we had some challenges with meetings. The members persevered and attended virtual meetings, including the Editorial report writing process. In addition, the 2021-2022 Grand Jury updated the Colusa County Civil Grand Jury Procedures Manual.

It has been a privilege and honor to collaborate and work with each Grand Juror. We walk away having formed synergy and commonality knowing we have fulfilled our commitment to Colusa County.

We would like to thank all those who cooperated with interviews and contributed their time, information, and knowledge. County Counsel, Richard Stout and Deputy County Counsel, Jennifer Sutton were key stakeholders and always available when needed.

We pass the baton to the 2022-2023 Grand Jury with the confidence they will understand and embrace the important role they face in ensuring our public entities are transparent and operating within the statutory requirements as mandated by law.

Best regards,

A handwritten signature in blue ink that reads "Marilyn Acree".

Marilyn Acree
Foreperson, 2021-2022 Colusa County Grand Jury

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GRAND JURY'S OATH

Each member of the Grand Jury has taken the following oath:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of California, and all laws made pursuant to and in conformity therewith, will diligently inquire into, and true presentment make, of all public offenses against the people of this State, committed or triable within this county of which the Grand Jury shall have or obtain legal evidence. Further, I will not disclose any evidence brought before the Grand Jury, nor anything which I or any other Grand Juror may say, nor the manner in which I or any other Grand Juror may have voted on any matter before the Grand Jury. I will keep the charge that will be given to me by the court."

(California Penal Code §911)

INTRODUCTION TO THE CIVIL GRAND JURY

The Fifth Amendment to the United States Constitution and the California Constitution call for Grand Juries, formed as part of the judicial branch of government. The Colusa County Civil Grand Jury consists of nineteen citizens of the county that range in diversity of men and women of various socioeconomic, ethnic, age and educational backgrounds. Together, the jurors act as an independent, fact-finding body under the advisory supervision of the Presiding Judge of the Superior Court, the District Attorney, County Counsel, and the State Attorney General.

Duties

The primary function of the Grand Jury is the examination of certain aspects of county government, city governments and special districts. The Grand Jury's investigation of public entities, sometimes referred to as a "watchdog function," is ordinarily followed by the issuance of a formal report that details a specific entity's operations and facilities. The California Penal Code Article 2, Section 933 requires that each grand jury "shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year."

The Grand Jury is authorized to:

- Inquire into any charge of willful misconduct in office by public officials or employees;
- Inquire into conditions of jails and detention centers; and
- Inspect and audit books, records, and financial expenditures of all agencies and departments under its jurisdiction, including special districts and non-profit organizations, to ensure public funds are properly accounted for and legally spent.

Members of the Grand Jury are sworn to secrecy and most of the jury's work is conducted in closed session. All testimony and deliberations are confidential. Breach of confidentiality is a misdemeanor punishable under the Penal Code.

Reporting

No later than the fiscal year, the Grand Jury must submit to the Presiding Judge of the Superior Court a final report of the findings and recommendations related to the jury's investigations of local government. Those Grand Jury reports that contain recommendations for the improvement of local government are submitted for response to the elected officials and the governing board of the agency that was investigated. Within ninety (90) days after the Grand Jury issues a report concerning a public agency, that agency's governing body must submit its response to the Presiding Judge on the findings and recommendations pertaining to matters under the control of the governing body. Any elective department head who has been asked to comment on a report must submit his or her comments within sixty (60) days to the Presiding Judge. Appointed department heads cannot be required to respond to Grand Jury recommendations, but the Grand Jury may request appointed officials to respond to recommendations. A copy of all of the responses is placed on file with the Clerk of the Court and is provided to the Grand Jury.

REPORTS OF THE 2021-2022 CIVIL GRAND JURY

- #1: MISUSE OF PUBLIC FUNDS AND MULTIPLE CODE AND POLICY VIOLATIONS FOR CITY OF COLUSA**
- #2: COUNTY OF COLUSA CHILD WELFARE SERVICES UNIT**
- #3: INSPECTION OF THE COLUSA COUNTY JAIL**
- #4: INSPECTION OF TRI-COUNTY JUVENILE REHABILITATION FACILITY AND THE MAXINE SINGER YOUTH GUIDANCE CENTER**

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MISUSE OF PUBLIC FUNDS AND MULTIPLE CODE AND POLICY VIOLATIONS FOR CITY OF COLUSA

SUMMARY

Under its statutory authority, and in response to multiple public written complaints received by the Colusa County Grand Jury (Grand Jury) regarding the City of Colusa-sponsored events in summer of 2021, the Grand Jury conducted an investigation of the City of Colusa and its various divisions that were involved in the event planning and implementation. Relevant state and local government documents were reviewed as they relate to the permitting, procedures and expenditures for the City-sponsored events, which included the Country in Colusa concert, Fourth of July Festival, Taco Festival, and Colusa Duck Days Expo. Various City administration and County of Colusa administration were interviewed to inquire about the permitting and financing of these events, and overall policies and procedures of the City. The Grand Jury finds that the City failed to obtain all the required alcoholic beverage and temporary food permits from the relevant agencies to serve such to the public at these events. Several City policies and procedures were violated regarding purchases and expense reimbursements to acquire the supplies, entertainment, vendors, and food and beverage for the events. Furthermore, the Grand Jury finds that the City significantly lacked transparency with the dissemination of financial information to the public regarding expenditures related to the events and grant monies received that were intended to provide COVID-19 relief to the City and local businesses. To address the shortcomings, City administrators have made good-faith efforts to identify and reconcile the inadequacies and have recently developed and adopted multiple policies to help serve as a backstop against excessive and unauthorized spending for each future City-sponsored event. Future Colusa County Grand Juries should consider continuing to monitor the City to verify that all relevant state and local policies and procedures are being obeyed while expending public funds.

BACKGROUND

The primary function of the Grand Jury is the examination of certain aspects of county government, city governments and special districts. The Grand Jury's investigation of public entities, sometimes referred to as a "watchdog function," is ordinarily followed by the issuance of a formal report that details a specific entity's operations and facilities. The California Penal Code Article 2, Section 933 requires that each grand jury "shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year."

Based on formal written complaints received by the Grand Jury, as well as news media releases, the Grand Jury decided to exercise its responsibility and authority pursuant to the above referenced California Penal Code and to investigate the City of Colusa's policies and procedures for funding and implementing its summer of 2021 City-sponsored events, the first of their kind for the City, as well as for future planned City-sponsored events. The 2021 City-

sponsored events included Country in Colusa (held June 26, 2021), the Fourth of July Festival (held July 4, 2021), the Taco Festival (held July 31, 2021), and the Duck Days Expo (held August 21-22, 2021). The primary intent of these events was to promote tourism to the City, which would in turn increase sales tax revenue and help bolster the local economy.

METHODOLOGY

The Grand Jury used research, observations, and conducted interviews with key City and County officials and staff to gain an understanding of how the summer of 2021 City-sponsored events were funded and implemented.

Documents reviewed by the Grand Jurors included:

- City Council meeting minutes and agenda packets from January 2020 to date
- Budget summaries from the 2020-2021 and 2021-2022 fiscal years
- Documents obtained from multiple requests for public records, in accordance with the California Public Records Act, California Government Code §6250 et seq., and Article I, §3(b) of the California Constitution
- Financial receipts and statements from expenditures related to the City-sponsored events
- Special daily beer and wine license applications obtained from the State of California Alcoholic Beverage Control (ABC) Board (Form 221)
- California Health and Safety Codes §113755 and §114381.1
- Food permitting documents obtained from the Colusa County Community Development Department – Division of Environmental Health
- Finances and expenditures for the Budget Act of 2020 Coronavirus Relief Fund Grant
- Grant Application and written correspondence for the Community Development Block Grant Coronavirus Response Fund 1 (CDBG CV-1)

DISCUSSION

The Grand Jury conducted several interviews under confidentiality with select City of Colusa administration, County of Colusa administration, and local citizens. The discussion and findings presented herein are based on research and factual evidence obtained by the Grand Jury.

Alcoholic Beverage Control (ABC) Permitting & Violations

The Department of Alcoholic Beverage Control (ABC) is an agency of the government of the state of California charged with regulation of alcoholic beverages. Any nonprofit organization selling donated or purchased alcohol at a special event is required to obtain a Daily License from the ABC. The Daily License (Form 221) is available online at <https://www.abc.ca.gov/licensing/license-forms/form-abc-221-instructions/>.

The application must be submitted to the local ABC permitting office at least ten (10) days prior but no more than thirty (30) days prior to the scheduled event. The Form 221 requires the applicant to provide the type of alcohol license desired (i.e., beer and wine only license, or beer, wine and distilled spirits license); a plot plan that specifies the location of the alcohol vendor(s) within the event space; and signatures from the Owner of the property on which the event is occurring and the local Law Enforcement official if there are a large number of people attending or the event is held on a public street.

An ABC alcohol permit is required if the event meets one or more of the following circumstances:

- The event is open to the public, (i.e., no private guest list or someone can walk in uninvited)
- There is any admission cost for the event (i.e., ticket price, donation or door charge)
- Any other fundraising activities are being held at the event (i.e., silent auction)
- Drinks are being sold at the bar (i.e., no-host or “cash” bar)
- A licensed caterer is providing the alcoholic beverages; and/or
- The event venue requires an ABC permit to be in place for the event.

For any of the aforementioned circumstances, a special daily alcohol license must be applied for by a qualifying non-profit entity, and the entity must be pre-qualified by the ABC if it is the entity’s first occurrence applying for such permit.

During the alcohol-permitted event, the ABC license must be retained onsite and made available for inspection. The alcohol may be sold by the glass, or included in a door charge or other donation, and alcohol cannot be given away free. The sponsoring organization is responsible for the conduct of the special event.

Country in Colusa Event

Copies of applications and ABC-issued permits for the summer of 2021 City-sponsored events were reviewed by the Grand Jury. For the Country in Colusa event, the Colusa County Arts Council (a non-profit organization) submitted a special daily beer and wine license application, signed by the required local officials, to the local ABC field office on June 22, 2021. The application indicated that 100 people were estimated to be in attendance, with two (2) security guards planned to be on duty; however, advertisements released on social media by City staff indicated that a few thousand people were expected to attend the event based on anticipated ticket sales. Due to the application and filing fee (\$50) being submitted less than ten (10) days prior to the scheduled event (June 26, 2021), the license was not issued from ABC until post-event on July 1, 2021. During the event, City staff collected money from and provided drink tickets to citizens to redeem for beer and wine beverages provided by a local vendor. Therefore, beer and wine beverages were sold by City staff and served to the public without a valid ABC license in-hand.

Receipts reviewed by the Grand Jury indicate that on June 26, 2021, the day of the Country in Colusa event, a large cash purchase was made at a local grocery store using City General Funds (Economic Development fund), with select items consisting of a variety of

beer, wine, and hard liquor (vodka and tequila), various cocktail mixers, drink cups, napkins, and other supplies. It was determined by the Grand Jury that these purchases were made to serve alcoholic beverages at the VIP Booth at the Country in Colusa event. The City did not, nor did the Colusa County Arts Council, properly apply for a special daily hard liquor license. The City did not have a formal contract with the VIP bartender, yet records show that a City administrator paid the VIP bartender \$400 using a personal Venmo account on the day of the event, and was later reimbursed by the City's Economic Development fund.

Fourth of July Festival, Taco Festival, and the Duck Days Expo Events

The City applied for special daily beer and wine licenses from the local ABC field office for its Fourth of July Festival, Taco Festival, and the Duck Days Expo events. The ABC was found to have mistakenly issued special daily beer and wine licenses to the City for its Fourth of July Festival and the Taco Festival, since the City is not a qualifying non-profit organization or private entity. Realizing its mistakes, the ABC field office notified the City that special daily beer and wine licenses had been wrongly issued by their organization to the City for two of its prior events, and that any future requests for a special daily license must be made by a qualifying non-profit entity.

The special daily beer and wine license that had already been issued to the City on August 17, 2021 for the Duck Days Expo (held on August 21-22, 2021) was voided by ABC prior to this event occurring. The City, in turn, did not sell alcoholic beverages at the Duck Days Expo event. On the day of that event, the City changed the venue for the concert portion of their event to a local restaurant that held a valid ABC on-sale license, and that restaurant was held responsible for the selling and serving of alcoholic beverages to the public and the conduct at the concert held at their venue, in accordance with their ABC on-sale license.

Temporary Food Permitting & Violations

In accordance with the California Health and Safety Codes §113755 and §114381.1, a Community Event Coordinator Permit is required for any event planned to have more than one (1) food vendor selling food to the general public from a Temporary Food Facility (TFF) (i.e., mobile food truck). Additionally, each food vendor is required to obtain their own TFF Permit for each event, regardless whether there is a single or multiple food vendors serving food to the public at any particular event. The Colusa County Community Development Department – Environmental Health Division (County EHD) procedures require that Community Event Coordinator Applications and/or TFF Permit Applications are to be submitted to the County EHD no less than two weeks, or ten (10) business days, prior to the scheduled event to allow time for County EHD staff to review the permit applications and research the proposed vendors, food suppliers, etc. The applications are available online at <https://countyofcolusa.org/DocumentCenter/View/10417/new-application-for-new-tff?bidId=>.

A fee is required to be submitted with the Community Event Coordinator application (\$84 fee) and TFF applications (fees range from \$28 to \$84). The fees help pay for the County EHD's staff time to process, review, and issue permits, as well as perform food health and safety inspections during the event.

In spring of 2021, City staff approached the County EHD and informed that the City would be sponsoring several events during summer of 2021 with planned food vendors, and inquired about the food permits and procedures that would be required of the City. On April 15, 2021, the County EHD emailed City staff with the TFF and Community Event Coordination Application packet, which included the permit application forms, instructions, and all the food safety requirements for each of the TFFs to follow. The County EHD staff also offered to meet with the City to assist them with filling out the required food permit applications, if desired.

The County EHD had received a permitting inquiry from the public following the City-sponsored Taco Festival held on July 31, 2021. The County EHD reviewed its records, and on August 10, 2021, County EHD staff sent a letter of violation by email to City staff informing that the City had not obtained the required Community Event Coordinator Permit for its special events and were in direct violation of the California Health and Safety Codes §113755 and §114381.1. The County EHD in-turn did not receive any correspondence from City staff responding to this letter of violation.

On August 20, 2021, the County EHD received a Community Event Coordination Application with three accompanying TFF vendor permit applications from the City for its sponsored Colusa Duck Days event, scheduled for August 21-22, 2021; however, the fee payment was not remitted with the application. Due to submittal of the application less than one (1) working day prior to the scheduled event and the lack of fee payment, the County EHD could not issue the food permit before the event occurred. Food and beverages were sold to the public at the event without a valid TFF Permit in place. Following the event, the County EHD made multiple requests for payment to the City in order to retroactively issue the permit and close out the file. The City remitted the required payment of \$84 to the County EHD for the Community Event Coordinator permit, and the food permit was officially issued on September 30, 2021, over one month after the event occurred.

Funding and Expenditures for City-Sponsored Summer 2021 Events

Per email communication between City staff on July 12, 2021, it was reported that the Country in Colusa event was to be paid for using the Recreation Fund that the City established in spring of 2021 with a starting budget of \$25,000 that was pulled from the City's Cannabis Fund. However, review of financial records indicates that the expenses for these events were expensed to the Economic Development fund (a subaccount of the General Fund), and not the Recreation Fund. Use of the Economic Development fund to pay for the summer of 2021 events was not publicly discussed or pre-approved by City Council.

To help contribute to the City-sponsored 2021 events, the City solicited donations in various ways from flyers, and direct solicitation from select City staff to targeted benefactors. The City received a total of \$34,000 in donations between the period of May 27, 2021 through June 30, 2021, from five (5) separate donations made by local businesses and individuals. The donations each ranged from \$2,000 to \$15,000, which were allocated to "Economic Development" in the General Fund. On November 2, 2021, City staff gave a presentation at

a City Council meeting for the reconciliation on events and tourism and expenses. It was reported during the presentation that the City was slated to receive an additional \$47,000 by December 31, 2021 from multiple donors that made handshake deals and promises to provide monetary donations to the Economic Development fund (which would have brought the grand total to \$95,000 in donations for the Economic Development fund); however, the City has not reported any additional donations received beyond its \$34,000 received to date for its Economic Development fund.

Ticket sales were a major consideration by the City for funding the summer of 2021 events, with the Country in Colusa concert being the premier event for the City. The City had anticipated that ticket sales would total over \$18,000. According to City staff, tickets sales fell short of reaching the anticipated amount, leaving a sizeable remainder of expenditures to be covered by the City's General Fund. Financial records indicate the City reported a revenue of \$9,916.80 in ticket sales for the Country in Colusa event.

The City expensed a large amount of funding to put on the four City-sponsored events. Some of the largest expenses were towards the event's entertainment. Multiple bands were paid various amounts ranging from \$600 to \$3,750 per performance. Meals, lodging, and transportation were provided to the performers by the City, including \$1,016 for an executive VIP Mercedes 12-passenger van to bring entertainers from a Bay Area airport to Colusa.

City staff spent taxpayer money without following purchasing protocols, which resulted in multiple violations of its Purchasing Policy and Credit Card Use Policy. In June of 2021, the City staff maxed out the credit cards and exceeded the City's overall credit limit of \$30,000. On June 24, 2021, the same month the City's credit limit had been exceeded, an in-person cash withdrawal in the amount of \$4,000 was made from the City's banking account. The Grand Jury obtained receipts for cash transactions made between June 24 and July 4, 2021, which were made using the City's withdrawn funds. Nine (9) separate cash transactions totaling \$3,087.49 were made, and included the purchase of beer, wine, and hard liquor, pre-paid Trac phones and minute cards, and other unallowable items that were used for the City's Country in Colusa and Fourth of July Festival events. Vendor locations (in Colusa and Yuba City) and date and time stamps on the receipts suggest that more than one person was in possession of the City's withdrawn cash and making purchases on June 26, 2021, the day of the Country in Colusa event. The remaining \$912.51 of unspent cash was reported to be placed back in the City's cash box. A cash withdrawal in the amount of \$1,375 was also made from the City's account at a bank branch on July 22, 2021, nine (9) days prior to the Taco Festival. Additionally, City staff also used personal credit cards for event expenses and were reimbursed by the City, with the largest individual reimbursement being approximately \$3,000.

The reported expenditures for all four City-sponsored summer of 2021 events totaled \$128,313.78; however, the reported amounts of revenue and expenses are estimated since the financial records are convoluted and not all the expenses, nor the revenues, have been entirely accounted for by City staff. The financial result of the summer of 2021 events was estimated to be a net loss of approximately \$67,000 from the City's General Fund; however, a portion of these losses appear to have been recouped using COVID-19 grant monies received by the City (as discussed in the following section).

Table 1 below provides a breakdown of the reported revenues and expenses from information presented by the City to the public, and the total estimated net loss for all four 2021 events without taking into consideration any retroactive reimbursements the City may have received with COVID-19 grant monies.

Table 1
Estimated Revenue and Expenses for Summer 2021 Events

Revenue	Donations (Actual)	\$34,000.00	\$61,364.63
	Earned Income	\$27,364.63	
Expenses	Country in Colusa	\$73,560.67	\$128,313.79
	4th of July	\$31,909.18	
	Taco Festival	\$16,824.44	
	Colusa Duck Days	\$6,019.50	
<i>Estimated Net Loss from City's General Fund for Summer 2021 Events</i>			<i>(\$66,949.16)</i>

COVID-19 Grant Funding for 2020/2021

The City of Colusa received two federal grants for the primary purpose of providing COVID-19 relief to the City and local businesses.

For the Budget Act of 2020 Coronavirus Relief Fund, the City applied for and received \$76,244, with approximately \$60,000 available after grant administrative costs. Items the City purchased with these funds included personal protective equipment and sanitation supplies (hand sanitizer, face shields, safety glasses, and nitrile gloves), City Payroll (Finance and Fire), payments to City Legal Counsel, and various technology equipment to perform virtual meetings. The total expenditures through December 31, 2020, totaled \$59,346.69, thus expending and closing out the grant.

On August 18, 2020, City Council approved a resolution for submission of a Community Development Block Grant Program (CDBG) Coronavirus Response Round 1 (CV-1) Grant application. The application was reported by City staff to be due on August 31, 2020, to the California Department of Housing and Community Development (HCD). The intended purpose of these CDBG CV-1 funds listed on the City's application was to provide sanitizing equipment for retailers and outdoor seating options for restaurants, with the length of the activity proposed to run from September 2020 to December 2020, and with anticipated grant close-out of January 31, 2021.

The scope of work the City provided on their CDBG CV-1 application included the following tasks:

- Task 1: Secure storage in City buildings to house library of coronavirus prevention assets;
- Task 2: Create Final Asset List & 'Check Out' process for consumer facing retail businesses to utilize assets in accordance with HCD/CDBG intended beneficiaries tracking documentation;
- Task 3: Procure needed assets to perform both Business Coronavirus Prevention 'Library' and Public Facilities Disinfecting Servicing using CDBG mandated procurement standards set forth in CCR 200.317-200.326;
- Task 4: Create Schedule & Track Weekly Public Facilities disinfecting Services; and
- Task 5: Grant Recording & Management with Target Closeout of December 2020.

The City's breakdown of planned usage of funds listed on the CDBG CV-1 application was as follows:

- (12) Mobile handwashing stations: \$5,000
- (45) Stand-alone hand sanitizer units for retail establishments: \$8,325
- (40) 8-foot metal picnic tables for outdoor seating for up to ten (10) restaurants: \$34,000
- (1) Industrial detergent hand-operated steam cleaning machine: \$3,000
- (3) Handheld cordless disinfectant sprayers / foggers: \$1,200
- Estimated Detergent and hand sanitizer refill costs for 12-week period: \$5,000
- (2) Plexi-glass barriers for businesses: \$2,147
- Additional masks and gloves: \$1,000

For reasons unknown to the Grand Jury, the records indicate that the City did not complete their CDBG CV-1 application for funding in the calendar year 2020. On May 19, 2021, the HCD staff invited the City staff to a virtual meeting with the purpose of assisting the City in completing their CDBG CV-1 funding application. The City completed their application and changed their grant implementation timeline to June 2021 through September 2021.

On July 2, 2021, the City received a letter of award in the amount of \$71,894, inclusive of administrative costs to administer the grant. The Standard Agreement for this award was sent to the City on July 9, 2021, and the agreement and supporting documents (i.e., Exhibit F for the City's Assets and Services for Coronavirus Prevention Supporting Businesses and Employee Retention) were required to be signed by the City Manager and returned within thirty (30) days. The City was overdue in submitting the required signed Standard Agreement and Exhibit F to the HCD, and on August 11, 2021, the HCD notified the City that they were at risk of losing funds. The required signed documents were provided to the HCD by the City on August 26, 2021. The executed agreement (Contract No.: 20-CDBGCV1-00236) between the HCD and the City had a start date of October 5, 2021, and

the funds were released for spending. Receipt of CDBG CV-1 funds by the City occurred months after the statewide COVID-19 restrictions and mandates had been lifted and following all of the City-sponsored summer of 2021 events.

Receipts and financial records show that the City used the public's money from the Economic Development Fund of the General Fund to purchase the majority of its outdoor furniture equipment (picnic tables, chairs, patio umbrellas, wine barrel tables, etc.) in June of 2021 for use at the City-sponsored events, several months prior to the City receiving the CDBG CV-1 funds. However, the CDBG CV-1 contract agreement stated that the City could pre-incur costs on eligible activities and could be reimbursed when the contract had been executed.

The Financial Activity Report that the City submitted to the HCD for the period of October 5, 2021 and December 31, 2021 indicated that the CDBG CV-1 grant monies had mostly been expended (\$71,391.15 in expenses), with \$12,222 allocated towards general administrative costs and \$59,169.15 allocated towards the City's purchases of physical assets intended for COVID-19 relief. The generalized list of expenditures that the City submitted for retroactive reimbursement using the CDBG CV-1 grant monies included assets such as the wine barrel tables, unspecified restaurant supply store purchases, several unspecified purchases made at Amazon and Lowe's, and unspecified equipment from an industrial tool manufacturer/retailer.

Due to the absence of a complete and comprehensive inventory list of supplies and assets purchased by the City and the lack of detailed itemized lists of expenditures to sponsor the summer of 2021 events, it is unclear to the Grand Jury what overall total net loss the City experienced after the City received retroactive reimbursement from the CDBG CV-1 grant for some of its expenditures.

City's Purchasing Policy & Violations

The City's Purchasing Policy was last adopted in 2012 as Resolution No. 12-16. The Purchasing Policy outlines the requirements for the purchase of goods and services, and real property. The City Manager is the Purchasing Agent, and the Purchasing Agent is responsible for overseeing the procurement of centralized goods and services, the administration of the Contracting and Purchasing Policy, and the management of surplus City property. For all purchases, regardless of monetary value, the purchase shall be awarded to the lowest cost, responsive, responsible bidder, with preference given to local businesses located in the City. For all purchases (with the exception of Public Works projects), the following purchasing authorizations and limits apply:

Small Purchases – Less than \$1,000; Department Head has authority to award.

Small Purchases – Less than \$5,000; City Manager has authority to award; Seek competitive quotes (including phone and email) when feasible.

Open Market – Between \$5,000 and up to \$25,000; City Manager has authority to award; Quotes must be received in writing (including email) from three (3)

competitive sources. Staging of purchases in order to avoid authorization limits is prohibited.

Formal Bid – More than \$25,000 and up to \$50,000; City Council has authority to award; Quotes must be received in writing from three (3) competitive sources, or City Staff must document the efforts and sources contacted to which the City attempted to obtain a quote. Staging of purchases in order to avoid authorization limits is prohibited.

Formal Bid – More than \$50,000; City Council has authority to award; Formal bid or Request for Proposal process is required. Staging of purchases in order to avoid authorization limits is prohibited.

The Purchasing Policy includes credit card purchases for City-issued credit cards. The credit cards are to be used for official City business only, and the policy prohibits credit card use for certain items such as cash advances, services, or alcoholic beverages.

Review of records indicate that the City's Purchasing Policy was violated multiple times for purchases City staff made towards the City-sponsored summer of 2021 events. Violations included alcohol purchases, not attempting to obtain at least three (3) competitive quotes for single purchases exceeding \$5,000, and staging of purchases to avoid authorization limits (i.e., cumulative expenses for two of the four events exceeded \$25,000, thus requiring City Council approval).

Credit Card Use Policy & Violations

The City's Credit Card Use Policy establishes maximum amounts per transactions, as well as itemizing the allowable and unallowable items for purchase using a City-issued credit card. The credit card limits are a maximum of \$5,000 per transaction (including tax); maximum of \$10,000 per 30-day period per card (unless a higher maximum has been negotiated and authorized for that card holder); and a maximum of \$25,000 per vendor per year. Purchases cannot be split to circumvent procurement regulations, which would be considered staging of purchases. The credit card that is issued to a City employee must have their name on the card, and no other member of staff, family, or anyone else may use that card. To obtain a card, a City staff member must submit a Request for Credit Card, and the credit limit for the requested card will be established by the Department Head or City Manager. Normal department approval should be followed prior to making credit card purchases, and the Credit Card Use Policy does not supersede the City's Purchasing Policy terms. Upon leaving the City, the staff member must return their credit card to their respective Department Head or City Manager.

The Grand Jury reviewed monthly bank statements from November 28, 2020 through August 27, 2021 for credit cards issued to four City staff. The records indicate that for the period of May 28 to June 27, 2021, the City's credit limit of \$30,000 was exceeded by \$3,695.07. On June 17th, 2021, a large purchase was made to a restaurant supply company in Florida for three hundred metal-framed chairs, as a single purchase totaling \$12,132.87.

This transaction violated the City's Credit Card Use Policy. Additionally, records show that on July 4, 2021, alcohol was purchased from a local grocery store using a City-issued credit card. Although this alcohol purchase was not in violation of the Credit Card Use Policy (07-01) that was in place at the time of purchase, it was in violation of the City's Purchasing Policy, which prohibits the purchase of alcoholic beverages with a City-issued credit card.

Furthermore, a City staff member made the majority of the credit card purchases for the summer of 2021 events using a credit card that had been assigned to a former City employee that was no longer employed by the City. This card was utilized at least through August 27, 2021. The staff member that made these purchases was reportedly given the former employee's credit card when their employment began with the City. The new employee's Request for Credit Card Form and signed agreement that is required of City employees during credit card issuance could not be located to provide to the Grand Jury.

Due to multiple violations of the City's Credit Card Use Policy and Purchasing Policy and excessive spending on the City's credit account, the City updated its Credit Card Use Policy and the City Council adopted the updated policy on September 7, 2021. The revised policy added cellular phones, alcohol, tobacco, and firearms as prohibited items for purchase.

Donation Policy Adoption

City employees are not authorized to directly solicit donations from selected businesses or private entities. In the written complaints received by Grand Jury, as well as interviews conducted, citizens are generally concerned about the manner in which donations were solicited and accepted from targeted benefactors to help sponsor the City's events in summer of 2021. Donation receipts provided in a public records request indicates that the City has received at least five monetary donations totaling \$34,000 that were specifically designated for the Colusa Tourism Fund, with the single-largest donation of \$15,000 specified for the City's Fourth of July fireworks show.

In its investigation, the Grand Jury finds that City administration selectively targeted some of these donors and directly solicited monetary contributions towards the City's summer of 2021 events. Additionally, the City solicited donations for its Colusa Tourism Fund, which did not exist at the time of solicitation, and the City has yet to establish the Tourism Fund. These donations went directly into the Economic Development account of the General Fund.

In response to the lack of transparency for how much the City had received in donations, and the sources of the donations, the City developed a Donation Policy, adopted by City Council on January 18, 2022. This new policy allows City staff to better document the donations received and provides the donor the opportunity to specify the intended use of the donated funds (i.e., general fund, recreation programs, economic development, etc.). To help reduce the likelihood of a "quid pro quo" situation, or the appearance thereof, the policy states that all donations must appear on a City Council agenda, as they are received, for Council and the public to be informed of and acknowledge the donations received.

Any single donation in excess of \$15,000 requires action, including a written agreement between the donor and the City, and appearing as a discussion item on the City Council

agenda for review and approval prior to its acceptance. Single donations amounting to less than \$15,000 will appear on a Council agenda as a Staff Report item but would not require approval by Council for acceptance.

City-Sponsored and Co-Sponsored Events & Tourism Policy Adoption

Following the overall outcome of the 2021 City-sponsored events, the general consensus is that a lack of transparency, protocol and adequate planning resulted in excessive spending of public funds and reduced public trust and perception. As a result, the City created and adopted Resolution 21-56 for a City-Sponsored and Co-Sponsored Events and Tourism Policy on November 2, 2021. This policy is intended for public locations and facilities under the City's jurisdiction to be safe and secure by ensuring that the use of such is consistent with state law, and reasonably balances the quality of life and responsible stewardship of the community's assets. The policy outlines the procedures for developing, organizing, and implementing City-sponsored and co-sponsored events and tourism efforts, including creation of an ad-hoc committee consisting of two City Councilmembers for each event, establishing a budget with fiscal impact and specific funding source(s) for each event and having a resolution approved by City Council in a public forum, delegating duties and responsibilities leading up to the event, and holding a post-event meeting with the ad-hoc committee to debrief on the financials, successes and challenges of each event.

FINDINGS

- F1. The Grand Jury finds that the City violated California Health and Safety Codes §113755 and §114381.1 and Colusa County EHD policies by not obtaining the required Community Event Coordinator Permits and Temporary Food Facility Permits for its summer of 2021 events. Serving food to the public without valid permits in place posed health and safety risks to the public and introduced liability to the City.
- F2. The Grand Jury finds that the City's failure to obtain food permits for three of its events resulted in a loss of revenue by the Colusa County EHD for permit fees and its staff time spent coordinating with the City for applications and payment requests.
- F3. The Grand Jury finds that the City violated Department of Alcoholic Beverage Control (ABC) licensing codes during its summer of 2021 events and had inaccurate information on the applications by severely underestimating the anticipated number of attendees for each event.
- F4. The Grand Jury finds that City staff purchased beer, wine, and hard liquor from a local grocery store using public monies withdrawn from the City's bank account. Additionally, the Grand Jury finds that the City sold and served alcohol at its Country in Colusa and Fourth of July events without valid special daily beer, wine, and liquor permits, thus violating ABC codes. These violations posed health and safety risks to the public and introduced liability to the City.

- F5. The Grand Jury finds that the City violated its Purchasing Policy by making large monetary purchases related to the City-sponsored summer of 2021 events without attempting to get at least three (3) competitive quotes for qualified items or utilizing local businesses first; staging of purchases to avoid going to City Council for pre-approval and allowing public input on such large purchases; and not having accountability for money handling and following purchasing procedures.
- F6. The Grand Jury finds that the City violated its Purchasing Policy by making non-allowable purchases using City-issued credit cards and cash, including alcohol.
- F7. The Grand Jury finds that the City violated its Credit Card Use Policy using a former City employee's credit card, which should have been deactivated upon the former employee's departure with the City.
- F8. The Grand Jury finds that the City exhibited negligence and violated multiple City, County, and State policies and procedures, which exposed the City to increased liability.
- F9. The Grand Jury finds that the City's limited staff oversight and lack of accountability resulted in excessive spending and misuse of public funds during the planning and implementation of its summer 2021 events.
- F10. The Grand Jury finds that the public dissemination of financial information was delayed by the City following the events, and records with the cost breakdowns of the expenditures and revenues generated for each event were not detailed.
- F11. The Grand Jury finds that the new City-Sponsored and Co-Sponsored Events & Tourism Policy adopted by City Council on November 2, 2021, shows a good-faith effort on behalf of the City to address previous issues with its sponsored events' planning, budgeting and accountability.
- F12. In its investigation, the Grand Jury finds that the City is understaffed in multiple departments, with some City staff fulfilling the duties and roles of multiple vacant high-level management positions, which is hindering the City's ability to operate effectively and efficiently.
- F13. The Grand Jury finds that the City was delinquent in completing its CDBG CV-1 Grant Application, which was submitted after the statewide COVID-19 restrictions had been lifted and the 2021 City-sponsored events had all occurred. Furthermore, the Grand Jury finds that the City is delayed in preparing its asset inventory list of all the equipment purchased during the summer of 2021 that was intended to assist local restaurants and businesses with outdoor operation during the COVID-19 pandemic.
- F14. It is unclear to the Grand Jury if local businesses, if any, have utilized or were made aware of the City's purchased outdoor equipment to date. Furthermore, the Grand Jury finds that the City lacks transparency and does not have a process in place for the public and local businesses to utilize and receive benefit of said equipment.

RECOMMENDATIONS

- R1. For all City-sponsored events, the Grand Jury recommends that the City confirm with the qualifying non-profit organization or alcohol vender that they have applied for and been issued a valid license from ABC (for events where alcohol is planned to be served), and that the City request a copy of such license prior to the event occurring.
- R2. For all City-sponsored events, the Grand Jury recommends that the City verify that the City has submitted an Event Coordinator Application and that all contracted food vendors have each applied for a Temporary Food Facility Permit through the County EHD, and that all the required food permits have been paid for and issued by the County EHD prior to the event occurring.
- R3. For all physical equipment the City purchased during the summer of 2021 that was intended to be available for public use, the Grand Jury recommends that the City prepare a complete asset inventory list and protocol for public borrowing of said equipment within ninety (90) days from the release of this of this Grand Jury report, to be included with its response to this report.
- R4. The Grand Jury recommends that solicitations or requests for donations are not directly made by any single City staff member or official, and that specific benefactors are not purposely targeted. Furthermore, the Grand Jury recommends that the Donation Policy and requests for solicitations are directed to the general public and accessible to the public, such as the City's website, newspaper or social media articles, to improve transparency and provide an equal opportunity for local businesses or the general public to donate to a specific event or intended use by the City.
- R5. The Grand Jury recommends that the City Manager position be a sole role so that the employee can dedicate and focus their paid time to fulfilling the duties of that position, shall meet the minimum qualifications as outlined in the job description, and shall receive training where necessary to be able to effectively fulfill all duties of that position.
- R6. The Grand Jury recommends that the City advertise, interview qualified applicants and fulfill its vacancy for the Utilities and Public Works Director position as soon as possible.
- R7. The Grand Jury recommends that the City work to improve communication and transparency between all City staff and elected officials, County staff and elected officials, and the public. Routine (annual) formal training or seminars related to public relations, the Brown Act, ethics training, and other government functions is recommended for all City staff and City elected officials by independent third-party legal services.
- R8. The Grand Jury recommends that the City Finance Director conduct training for its City existing staff or new hires who are authorized to have a City-issued credit card before the employee signs the Credit Card Form and agreement. The training is recommended to review the allowable and unallowable items and the purchasing and expense

reimbursement procedures as outlined in the City's Purchasing Policy, Credit Card Use Policy, and any other applicable City policy.

- R9. The Grand Jury recommends that the City conduct a forensic audit of all City finances within the next two years. Additionally, the Grand Jury recommends that the City consider conducting forensic audits on a bi-annual basis.
- R10. The Grand Jury recommends that the City conduct a performance audit within the next two years to help determine the staffing needs of the City, as well as areas to improve efficiency and effectiveness.
- R11. The Grand Jury recommends that the City consider forming an organizational ombuds committee consisting of at least two members that can provide confidentiality, impartial problem-solving, conflict management, and other human-resources related services for City staff.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code §933 and §933.05:

Responses are required from the following governing bodies:

- City Council must respond to the following findings and recommendations:
 - Findings F1 through F14
 - Recommendations R1 through R7, R9, R10 and R11

INVITED RESPONSES

Responses are invited from the following individuals:

- City Manager is invited to respond to the following findings and recommendations:
 - Findings F1 through F14
 - Recommendations R1 through R7, R9, R10 and R11
- City Finance Director is invited to respond to the following findings and recommendations:
 - Findings F5 through F11, F13 and F14
 - Recommendations R3, R7 through R11
- City Treasurer is invited to respond to the following findings and recommendations:
 - Findings F5 through F11, F13 and F14
 - Recommendations R3, R7, R8, R9 and R11

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

DISCLAIMER

This report on the City of Colusa is issued by the full 2021-2022 Grand Jury with the exception of three (3) jurors who recused themselves of this investigation. These three (3) Grand Jurors were excluded from all parts of the investigation, including interviews, deliberations and the authoring and acceptance of this report.

COUNTY OF COLUSA CHILD WELFARE SERVICES UNIT

SUMMARY

The Colusa County Grand Jury was prompted to conduct this investigation of the County of Colusa Child Welfare Services Unit (formerly Child Protective Services) after receiving seven (7) written complaints about procedures around the family reunification process. The Child Welfare Services Unit falls under the umbrella of Colusa County Social Services.

The mission statement of the Colusa County Social Services reads:

Our mission is to preserve and strengthen families by providing them with high quality, timely and effective assistance and support so that they may live in safe and nurturing homes. We will completely and thoroughly gather pertinent information to determine when individuals are not safe from abuse or neglect. We will implement and follow through with a plan to provide those who are not safe from abuse or neglect with homes that are safe, nurturing and permanent. We will treat individuals and families with respect and dignity at all times.

Shortly after beginning our investigation, the Grand Jury confirmed that all court records and Child Welfare Services records are confidential and cannot be accessed by the Grand Jury (People vs. Superior Court, 107 Cal. App.4th 488 [2003]). While the Grand Jury investigation identified alleged gaps in what we understand the family reunification process to be, our lack of access to any court and caseworker records could not corroborate whether the alleged gaps are in fact true.

The Grand Jury steered this investigation to the policies and procedures of the Child Welfare Services Unit. In its research and interviews with the complainants and County administration, the Grand Jury has identified a few opportunities that we believe may help to improve transparency within the County Child Welfare Services Unit. Additionally, the Grand Jury finds that further review and investigation by the District Attorney of the subject case referenced in the written complaints is warranted.

BACKGROUND

All California counties were required by statute to implement by January of 2017 a new, unified, family-friendly and child-centered approval process for all caregivers, called the Resource Family Approval (RFA). The RFA was designed to replace existing multiple processes, eliminate duplication, and increase approval standards by incorporating a comprehensive permanency assessment of all families that want to provide care to a child, including relative care, foster care, adoption or legal guardianship of a child ([Resource Family Approval Program, https://www.cdss.ca.gov/inforesources/resource-family-approval-program](https://www.cdss.ca.gov/inforesources/resource-family-approval-program)).

As provided by its administration, the Colusa County Social Services submitted their plan in September of 2016, with full implementation by January 1, 2017. The most current version of

the RFA is available online (<https://www.cdss.ca.gov/inforesources/resource-family-approval-program>). There is an RFA Program Administrator within the Child Welfare Services Unit.

The Grand Jury interviewed five (5) people, including four (4) of the complainants and the administration from Child Welfare Services.

Different interview questions for the four complainants were developed by the Grand Jury based on the allegations in the formal complaints.

Because of the confidentiality required by the Grand Jury (California Penal Code §924.1), Grand Jury members interviewing the Administration were limited to developing and asking questions pertaining to the Colusa Child Welfare Services' policies and procedures.

METHODOLOGY

During its investigation, the Grand Jury reviewed numerous documents and websites, including:

- California Child Welfare Indicators Project (CCWIP)
- California Department of Social Services: Kinship Care and Foster Care
- California Department of Social Services: Resource Family Approval Program
- Center for Families, Children and Courts
- Court of Appeal, Fifth District, California; The PEOPLE, Plaintiff and Appellant, vs. Superior Court of Tulare County, Defendant and Respondent
- Welfare and Institutions Code: Division 2. Children (100-1500) Part 1.
- State of California – Health and Human Services Agency – Annual County Training Plan
- Colusa County Department of Health and Human Services – Agency Training Policy
- Colusa County Department of Health and Human Services – Emergency Response Procedures
- County of Colusa Social Worker I – IV Job Descriptions
- State of California Suspected Child Abuse Report BCIA 8572 (Rev 04-2017)
- Superior Court, County of Colusa Detention Report (Juvenile)
- Judicial Council of California Families and Children (CFCC)
(<https://www.courts.ca.gov/programs-cfcc.htm>)
- California Child and Family Services Review
- Printed Colusa County Resource Family Approval Packet
- California Department of Social Services Policy and Procedure Manual
(<https://cdss.ca.gov/inforesources/cdss-regulations-home-page>)

Each interview was conducted in a private, confidential setting with three (3) to six (6) Grand Jurors present. Interview questions were developed as a starting point, understanding that as the interview proceeded, additional questions would be necessary.

One (1) Grand Juror conducted the interview, with acknowledgement and agreement by the interviewee that the interview would be recorded. Other Grand Jury members were free to ask additional questions and/or pursue clarification of previously asked questions.

Informational Brochures supplied by the Colusa County Child Welfare Services (English and/or Spanish versions available)

1. The California Victim Compensation Board (CalVCB) (rev 9-19-2019): This brochure covers how to contact CalVCB. It offers guidance if you have been a victim of a crime. www.victims.ca.gov. Phone: (800) 777-9229
2. The Safely Surrendered Baby Law (Spanish version available) (Pub 400C (06/17): This brochure provides information about how and where women can give up or surrender a baby. www.babysafe.ca.gov (Note: this website redirects you to the Community Care Licensing Division). Phone: (877) 222-9723
3. As a Native American, We Are All Connected brochure: (no edition date) Guide for parents, grandparents and care givers on helping children thrive. (Futures Without Violence, <https://www.futureswithoutviolence.org/>).
4. Ombudsman for Foster Care: (edition PUB 339 07/13): This brochure provides a foster care help line, that accepts complaints, or concerns about the care, treatment or services provided to children and youth in foster care. (www.fosteryouthhelp.ca.gov). Phone: (877) 846-1602
5. Operation Protect Veterans (No edition): An AARP veterans scam alert brochure. It highlights how scammers can target veterans. (Note: the website <http://AARP.org/fraudwatchnetwork.com> redirects you to the main page of the AARP® Official Site). Phone: (877) 908-3360
6. Maternal Child and Adolescent Program (MCAH) (no edition date): This is the Pregnancy Resources brochure for Colusa, Yuba, Sutter, Butte and Yolo counties. The back page is about FIRST 5 for new mothers and families and offers food programs, parenting classes, etc. (Family Action Centers of Colusa County - FACC, Arbuckle, www.afackids.org); (FACC, Williams, www.wfackids.org). (Note: FIRST 5 website domain listed in the brochure does not exist, www.first5colusakids.org).
7. Casa de Esperanza, The House of Hope (no edition date). This is a Spanish domestic violence brochure with contact information and shelter options. Phone: (888) 874-2040
8. A Woman's Friend (no edition): This brochure offers pregnancy resources to women with questions about their pregnancy. (A Woman's Friend Pregnancy Resource Clinic, <https://awomansfriend.org>). The 24-hour hotline: (530) 741-0556.

9. Colusa County Department of Health and Human Services (no edition date): This brochure offers a brief overview of the services Colusa County Department of Health and Human Services offers. (Note: Directory of Management on last page is outdated. People listed are no longer employees of this department).
10. CA Covid-19 Rent Relief (no edition date): A one page flyer providing resources about rent and utility relief due to Covid-19. www.housingiskey.com (Note: Website is inaccurately published on the brochure). Phone: (833) 430-2122
11. Safe Sleep for your baby (NIH Pub No 18-HD-5759/ April 2018): This is a public service announcement targeting new mothers on Sudden Infant Death Syndrome (SIDS) and other sleep-related causes of infant death. (<https://safetosleep.nichd.nih.gov/>). Phone: (800) 505-2742
12. Car Safety Seat Law: This is an advisory brochure informing the general public about changes in the car seat law. (Child Passenger Safety (CPS) in California, [https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/SACB/Pages/ChildPassengerSafety\(CPS\)InCalifornia.aspx](https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/SACB/Pages/ChildPassengerSafety(CPS)InCalifornia.aspx)).
13. Futures Without Violence (edition 2016): This is a brochure that offers suggestions on how to support a child healing from trauma. (<http://www.futureswithoutviolence.org/>).
14. Family Action Centers of Colusa County (No Edition Date): A contact card for Programs and Services offered in neighboring communities in the County. (www.afackids.org), Phone: (530) 476-0822
15. Rights under Adult Protective Services (04/21): This brochure covers the rights afforded to an individual in the care of Adult Protective Services (APS). If you believe your rights have been violated, you can call (800) 884-1684.
16. A Healthy Habit (No Edition Date): A healthy eating and portion control brochure. (www.thelearningzone.com) Phone: (888) 455-7003. (Note: The website and phone number listed redirect you to a different company)
17. Car Seat Safety (2017): A brochure for the installation and use of car seats for multiple ages and weights (www.noodlesoup.com). (Note: Website listed on the brochure does not appear to be related to the Car Seat Safety Program). Phone: (216) 888-7177. (Note: Phone number listed on brochure is no longer valid).
18. Program of Victims and Witnesses (2016): This Spanish brochure had no English version available. It is about the rights of people who testify in court. (Note: Address listed is the District Attorney's old address).
19. In Home Support Services (Edition 12/06): This brochure identifies who is eligible for in home services, explains what financial need is according to the state, how to apply for in-home supportive services and what the application process entails.

20. Do I Need a Booster Seat? (No edition date): A list of yes/no questions to help you to determine if you need a booster seat. (www.kidsplates.org). (Note: The link listed in the brochure does not appear to be valid or working properly).
21. California Office of Traffic Safety (No Edition date): An informational brochure explaining many of the laws intended to keep children safe in a vehicle. (www.safecar.gov/cpsApp/cps/index.html).
22. Colusa County Multi-Disciplinary Interview Center: (M.D.I.C.) (No Edition Date) This brochure describes how MDIC works and what to expect from an interview concerning allegations of child abuse. (Note: The District Attorney's address is listed incorrectly).

DISCUSSION

Complainant Interviews

All interview questions were developed by the Grand Jurors and were specific to the issues outlined in each interviewee complaint. As necessary, delving deeper into the subject matter as questions were answered was done with all complainants.

All complainants interviewed had commonality of concerns, including delays in the family reunification process, lack of communication around family roles and rights, lack of follow-through with pre-determined outcomes on the part of Child Welfare Services, and lack of compassion and poor listening skills by Child Welfare Services staff.

While the Grand Jury understood and adhered to the confidentiality guaranteed to minors, we were unable to access and view records pertaining to individual cases to validate any of the complainants' statements.

Due to legal limitations, the Colusa County Grand Jury acknowledged that further investigation into this matter would need to be turned over to the District Attorney.

After a comprehensive investigation, the Colusa County District Attorney's office did not identify any criminal activity or crimes committed by the Colusa County Office of Child Welfare Services.

Administration Interview

While there does not appear to be a Policy and Procedure Manual specific to Colusa County Child Welfare Services, there is a California Department of Social Services Policy and Procedure Manual that is used (<https://cdss.ca.gov/inforesources/cdss-regulations-home-page>).

Funding for Child Welfare Services comes from the County Department of Social Services. There is also state and federal funding available for Child Welfare Services. State and federal monies flow to the mandated programs.

Child Welfare Services has working relationships with other agencies in Colusa County, such as Colusa Head Start, Colusa Family Resource Center, and Women, Infants and Children (WIC) (not all inclusive).

Metrics

Metrics for Colusa County are captured through the California Child Welfare Indicators Project (CCWIP) (<https://ccwip.berkeley.edu/>). The CCWIP is a collaborative venture between the University of California at Berkeley (UCB) and the California Department of Social Services (CDSS). The project is housed in the School of Social Welfare (UCB) and provides agency staff, policymakers, researchers, and the public with access to critical outcome information on California's Child Welfare system.

Masking of the data is to protect the privacy of individuals served by the CDSS: Values of 10 or less and calculations based on values of 10 or less are masked ('M' '*'). In stratified views of the data, additional values (the lowest available) are masked to prevent calculation of values of 10 or less.

As seen on the CCWIP site, there are reports of various topics, including number of referrals received, investigation rates, substantiation rates and entry rates.

All the data used by CCWIP are extracted from the Colusa County Child Welfare Services Case Management System (CWS\CMS). This is the database used for all referrals and cases for child welfare. Therefore, no additional reporting is required to the State for creation of the metrics. All non-confidential data contained in this database are available to the public.

A variety of other reports to the State are typically aggregate data with no case-specific information. These reports would be Emergency Child Bridge Program, Applications for Dual Agency Rates, youth emancipating from foster care; and one regarding Resource Family Application data. Most are due quarterly to the State. The State compiles annual reports, some of which can be found by visiting California Child Welfare Indicators Project (CCWIP) (<https://ccwip.berkeley.edu/>).

The California Child and Family Services Review also has several measurements and thresholds that are assessed. These reports are also available on the CCWIP [site](https://ccwip.berkeley.edu/) (<https://ccwip.berkeley.edu/>). As previously mentioned, some of these data may be masked due to confidentiality.

The Colusa County Social Services Administration has quarterly calls with the assigned consultant from the State to review the County's performance on these measures. Performance on the measures and/or underperformance of the measures are used by counties to create their County self-assessment and system improvement plans.

Audits

Random case audits are conducted by two different entities: the California Judicial Council and the State Child Family Services. The California Judicial Council will randomly pull cases from the Court. Their role is to review court records for proper notices and ensure

procedures have been followed. Results of the case audits are confidential and not available to the public or the Grand Jury.

The State Child Family Services conducts a quarterly review of two random cases. This State agency looks not only at the court documents, but at the procedural areas to ensure Child Welfare Services has followed all procedures. Results from these random audits are not available to the public or the Grand Jury.

Training and Job Descriptions

Job descriptions for all Social Workers are clearly defined and outline educational requirements, skills and competencies needed for the various Social Worker positions.

The Colusa County Department of Health and Human Services has a training policy (Policy Number 1013). The most current training policy was revised on August 17, 2020. The training policy defines what training classes are required based on job title within the Department of Health and Human Services.

The State of California provides an annual County Training Plan (Gen 1031 [4-21]) that all California counties must adhere to.

FINDINGS

- F1. The Grand Jury finds that the Colusa County Child Welfare Services Unit has printed materials available to the public in their lobby that are outdated, some with invalid phone numbers and/or websites.
- F2. While the Colusa County Social Services Unit has metrics available, there are multiple sites and repositories to research. Unless familiar with the Social Services structure, most individuals would find it challenging to locate and understand the metrics.
- F3. While independent random audits of the Colusa County Child Welfare Services Unit are conducted by the California Judicial Council and the State Child Family Services, the Grand Jury finds that the audits are a small sample size and lack appropriate frequency.
- F4. While training policies are in place at the County and State level, the Grand Jury finds that there are opportunities for some additional Child Welfare Services staff training.
- F5. While the RFA process has been implemented, the Grand Jury finds that there are opportunities for the Child Welfare Services RFA Program administration to improve the understanding and requirements for those interested in the RFA process.

RECOMMENDATIONS

- R1. The Grand Jury recommends the Colusa County Child Welfare Services Unit review all printed brochure materials and update as appropriate to ensure individuals seeking information have accurate and current websites, phone numbers and addresses.

Implement a governance policy to routinely review and update printed materials as necessary to provide accurate information to the public.

- R2. The Grand Jury recommends the Colusa County Child Welfare Services Unit publish on their website the Social Services unmasked (non-confidential) key metrics that are currently found in the CCWIP and other reporting sites to the public.
- R3. The Grand Jury recommends that the Social Services Unit develop a quality assurance process that conducts additional internal, independent audits by Social Services management with a focus on Resource Family Reunification cases.
- R4. The Grand Jury recommends the Colusa County Child Welfare Services Unit review current training policy and consult with the Colusa County Human Resources Department to develop and implement communication and listening skills training for all Child Welfare Services staff.
- R5. The Grand Jury recommends that by December 31, 2022, the RFA Program Administrator develop a comprehensive Resource Family Reunification process that can readily be shared with interested parties and that includes the following:
- Introduction and explanation of the Resource Family Reunification program.
 - Provide a complete packet of the Resource Family Reunification Act, all forms needing to be completed, including instructions and relevant brochures (i.e., "Caregivers and the Courts;" County of Colusa Health and Human Services brochure; Foster Youth Mental Health Bill of Rights; Important Information for Caregivers; Foster Care Ombudsman).
 - Implement a governance policy to ensure all processes are followed and adhered to (e.g., completing forms), and that provides continual feedback and active engagement and transparency with RFA applicants throughout the reunification process.
- R6. The Grand Jury recommends that the Child Welfare Services Unit administrator develop and implement annual reporting that summarizes Colusa County's family reunification metrics. Report distribution shall include Health and Human Services administration and the Colusa County Board of Supervisors.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code §933 and §933.05:

From the following individual:

- Social Services Program Manager, Colusa County Health and Human Services
 - Findings F1 through F5
 - Recommendations R1 through R6

INVITED RESPONSES

The following responses are invited from the following individual:

- Director & Public Guardian, Colusa County Health and Human Services
 - Findings F1 through F5
 - Recommendations R1 through R6

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

DISCLAIMER

This report on the Colusa County Child Welfare Services Unit is issued by the full 2021-2022 Grand Jury with the exception of three (3) jurors who recused themselves of this investigation. These three (3) Grand Jurors were excluded from all parts of the investigation, including interviews, deliberations and the authoring and acceptance of this report.

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INSPECTION OF THE COLUSA COUNTY JAIL

SUMMARY

The Colusa County Grand Jury (Grand Jury) participated in an inspection of the Colusa County Jail (Jail) with the Jail's operations team on February 14, 2022. The Jail is operating to current Board of State and Community Corrections (BSCC) standards, which sets the guidelines for recreation, food and healthcare for inmates. However, the Jail is outdated and the linear layout of the facility poses many safety risks to both inmates and staff. The Grand Jury has prepared this report summarizing the findings of our Jail inspection and recommendations, which includes improvements to its food and recreational and educational programs for inmates.

BACKGROUND

The Grand Jury is authorized to visit and inquire into the conditions of any public jail within the county, as outlined in Section 919 (a) and 919 (b) of the California Penal Code. Inspecting the safety and security in jails are the Grand Jury's priorities along with ensuring inmates are treated in a safe and humane manner. The BSCC is a state regulatory agency that establishes and oversees standards for the construction, operation, and administration of the county detention facilities. The Jail houses an average of 92 inmates, and the inmate population at the time of our inspection was 61. The Jail was built in 1962, and it is the second oldest operating jail in Northern California. The linear layout of the Jail is not up to current detention facility standards and creates safety risks to inmates and Jail staff. Colusa County Jail administrative staff (Jail administration) are hoping to break ground on the new jail facility in summer of 2022.

METHODOLOGY

Information for this investigation was sourced from the following:

- Grand Jury Committee tour of the Jail facility
- One (1) interview with the County's Jail administration
- Interviews with one (1) male inmate, one (1) female inmate and one (1) Jail Correctional Officer
- Review of jail inspections conducted by the California Board of State and Community Corrections (BSCC)
- Fire, health, and safety inspection reports
- Past Colusa County Grand Jury reports
- Documents concerning jail services available to inmates provided by the Jail administration
- Colusa County website (www.countyofcolusa.org)
- American Correctional Association (<https://www.aca.org/>)

- California Grand Jurors Association (<https://cgja.org/>)
- Title XV operating standards
- Colusa County Grand Jury Procedures Manual

DISCUSSION

Pre-Inspection Interview

On December 7, 2021, the Grand Jury members and Jail administration held an introductory meeting. The meeting served to acquaint the Grand Jury with the overall custodial responsibilities of the Jail. At the time of the meeting, there were 61 male inmates and seven (7) female inmates. The Jail was also holding five (5) federal inmates.

During the pre-inspection interview, it was identified that the majority of complaints made by the Jail inmates were regarding the food. Therefore, the Grand Jury opted to include the food facilities in the jail inspection.

Grand Jury Jail Inspection

On February 14, 2022, the Grand Jury conducted an inspection of the Jail. The inspection included touring the Jail's kitchen and food storage area, recreation area, educational programming rooms, medical office, laundry, and the Jail staff breakroom and commissary storeroom, and booking/intake area facilities.

Meal Program and Food Facilities

Since 2019, the Jail has used Trinity Services Group, Inc. (Trinity) as its contracted food supplier; after Jail staff received multiple complaints from inmates about the food that was being provided by the former contracted food supplier. Trinity creates a four-week meal plan for breakfast, lunch and dinner, and each meal costs approximately \$2.70. The inmates are each provided one hot meal per day, which is usually dinner. However, each inmate can occasionally receive two hot meals per day (e.g., oatmeal for breakfast). Inmates work with Trinity Chefs to prepare all meals. Inmates that have special dietary requirements (e.g., religion, health, or pregnancy) are given meals that reflect those diets. Meal planning and preparation are collaborative efforts between the Nursing staff, Jail administration and the Trinity Services Chefs.

Recreation Program

The recreation section of the Jail is a small, square courtyard entirely surfaced with asphalt. The Jail is required to provide three (3) hours of recreation time per week, but it does provide recreation time each day. Each inmate is offered a specific time, although exceptions can be requested (e.g., take recreation at a later time). According to Jail staff, inmates often choose not to partake in recreation time. Certain activities have been banned (e.g., basketball), as the activities pose a liability to the Jail due to past inmate injuries.

Education Program

There are two (2) rooms that serve as the educational programming component to the Jail. One room serves as a classroom and the other room serves as the library. Inmates are offered art therapy and educational programming in the classroom and are able to check out books for reading from the library. These offerings are contingent on good behavior, as they are considered privileges. Due to the COVID-19 pandemic, adjustments were made to still provide these offerings. For example, workbooks were provided to inmates and the former Jail teacher would grade them remotely. The Jail administration also closed the library for in-person use, so they used two (2) book carts and added the more popular books to them and handed them out to inmates cell-by-cell.

The educational programming has been on hold because the teacher resigned during the COVID-19 pandemic. At the time of the Jail inspection, Jail administration had just initiated the recruitment search for a new teacher.

Medical Services

The Jail is contracted with WellPath® for onsite medical health care services. There is currently one (1) nurse working from 8:00 a.m. to 4:00 p.m. Monday through Friday, and one (1) nurse covering six (6) hours on Saturdays and Sundays. Nursing staff have an on-call doctor available for consultation and medical directives. If inmates need additional treatment the Jail cannot provide onsite, they are transported to the local hospital located in the County. If the medical conditions or emergencies pose great risk (e.g., an overdose), they can be taken to nearby emergency medical centers.

Psychological services are provided by the Colusa County Behavioral Health Services on an as-needed basis. At the time of our inspection, there were no Colusa County Behavioral Health Specialists on-call for the Jail.

Due to the COVID-19 pandemic, all Jail staff are required to wear face masks while inside the Jail cell wings, but inmates are not required to wear face coverings. Unvaccinated staff are required to receive testing weekly and their body temperatures are checked daily.

Inmates are not required to be vaccinated, though they are encouraged to do so. New inmates are separated from the general population to make sure they do not have or develop symptoms of COVID-19. From the start of the pandemic to the date of our inspection, the Jail only had three (3) positive COVID-19 cases. All infected inmates are separated from the general population and kept in their own cell until they test negative.

To ensure cleanliness, the Jail provides inmate workers with bleach spray bottles and mops to sanitize and clean surfaces. The Jail is contracted with Clark Pest Control to utilize their Clark EssentialClean™ disinfecting service where they periodically come inside to give the interior of the Jail a deep sanitation.

Ongoing Safety and Maintenance Issues

The Jail administration are proud of their jail, though the facilities are aging and reported to have numerous, ongoing maintenance issues.

Jail Inmate Interviews

Two inmates, one (1) male and one (1) female, were selected at random by the Jail administration and were interviewed by the Grand Jury during the February 14, 2022 inspection. Both inmates were asked the same questions developed by the Grand Jurors. Both inmates reported that they feel safe being in this Jail, and express that the Jail administration and Correctional staff, Nursing staff and Food Service staff are pleasant. However, both inmates complained about the lack of variety and quality of the food.

Most inmates will supplement their standard meals and basic necessities (i.e., toiletries) with items from the commissary. The inmates indicated that they wish the commissary company the Jail partners with would be better at replenishing its stock, as the inmates reported the commissary is often out of items.

The interviewed male inmate indicated that it is not easy for inmates to get a job in the Jail while incarcerated. Job opportunities must be earned with good behavior. Job opportunities include, but are not limited to, doing the laundry, preparing the bleach spray bottles and mop buckets for the Jail to use for cleaning and sanitizing purposes, assisting in meal preparation, and grounds keeping.

The interviewed inmates indicated that the outdoor recreation yard is too small and the activities available to inmates are very limited.

There are currently no academic options available to the inmates right now due to vacancy of the Jail teacher position and COVID-19 safety protocols. The interviewed inmates have expressed the desire to have academic programs offered to assist them in attaining a General Educational Development (GED) test. Additionally, the inmates would like to have behavioral health programs available to them.

Jail Staff Interview

One (1) Jail Correctional Officer was selected at random by the Jail administration and interviewed by the Grand Jury during the February 14, 2022 inspection. The Officer reported to enjoy their employment at the Jail and the challenges it presents. They view these challenges as a motivator to grow personally. The Officer said they felt supported working at the Jail, and they believe the Jail administration is proactive in obtaining new equipment/resources. Additionally, the Officer reported that the Jail administration is receptive to feedback, updates outdated practices, and effectively adapts to new situations.

Planned Upgrades to the Current Jail Facility

A full-body scanner is one of the newest technological devices which can improve the safety for Jail administration, staff and inmates. Similar to the full-body scanners found at airport Transportation and Security Administration checkpoints, the Jail's scanner will scan new inmates during the booking process. The goal is to catch any smuggled weapons and contraband (e.g., drugs) that may have evaded initial searches. At the time of the Grand

Jury's inspection, the full-body scanner was due to arrive at the Jail in March 2022. The full-body scanner was installed in April 2022.

Proposed New Jail Facility and Status

The status of the new Colusa County Jail, which is planned to be built directly behind the current Jail, is still pending. The new jail is planned to have a total of 96 beds, with a cell layout that will conform to current detention facility standards.

The latest cost estimate to build the new jail is approximately \$25 million dollars. This is a \$5.2 million dollar increase above the original 2015 estimate. This increase is due to project delays and the current market conditions for building supplies. The County is waiting for final approval from the State of California to move forward with the groundbreaking of the new County jail facility, which the County anticipates will begin in the summer of 2022. While Colusa County awaits final approval from the State, the County staff checks in every six (6) months with contracted bidders to verify their continued interest and commitment in building the new jail.

FINDINGS

- F1. The Grand Jury finds that while the Jail is currently functional, the Jail facility is outdated and does not meet current correctional facility standards due to its linear design layout, which poses safety risks to Jail inmates and staff.
- F2. The Grand Jury finds that the Jail is in compliance with its annual inspections and maintains a safety plan for all Jail staff and inmates.
- F3. The Grand Jury finds the inmates are not satisfied with the variety and quality of the meal program offered by Trinity Services Group, Inc.
- F4. The Grand Jury finds that the Jail commissary is often out-of-stock on many items.
- F5. The Grand Jury finds that the Jail lacks substantive educational offerings to the inmates.
- F6. The Grand Jury finds that the COVID-19 pandemic has impacted the Jail's staffing, creating vacancies that have hindered its educational programming.

RECOMMENDATIONS

- R1. The Grand Jury recommends that the County of Colusa continue to move forward diligently with its existing plan of constructing a new, modern jail facility that incorporates up-to-date safety and inmate management features.
- R2. The Grand Jury recommends that additional surveillance equipment be installed at the current Jail to help improve security and safety.

- R3. The Grand Jury recommends the Jail invest more resources into its educational programming and fulfill its Jail teacher vacancy as soon as possible.
- R4. The Grand Jury recommends the Jail conduct an annual review of contracted food vendors and also solicit feedback from Jail inmates.
- R5. To help improve transparency, the Grand Jury recommends that Colusa County Jail administration provide semi-annual updates to the Colusa County Board of Supervisors regarding the status of the new jail facility.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code §933 and §933.05:

From the following individuals and governing bodies:

- Colusa County Sheriff
 - Findings F1 through F6
 - Recommendations R1 through R5
- Colusa County Board of Supervisors
 - Finding F1
 - Recommendations R1 and R5

INVITED RESPONSES

The following responses are invited from the following individual:

- Lieutenant – Correctional Services, Colusa County Sheriff's Department
 - Findings F1 through F6
 - Recommendations R1 through R5

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

DISCLAIMER

This report on the Inspection of the Colusa County Jail is issued by the full 2021-2022 Grand Jury with no recusals for this investigation.

INSPECTION OF THE TRI-COUNTY JUVENILE REHABILITATION FACILITY AND MAXINE SINGER YOUTH GUIDANCE CENTER

SUMMARY

On March 31, 2022, four (4) members of the Colusa County Grand Jury (Grand Jury) conducted their annual inspection of the Tri-County Juvenile Rehabilitation Facility (Juvenile Hall) and the Maxine Singer Youth Guidance Center (Camp Singer), collectively referred to herein as the Facility or Facilities. Both facilities are located on the same grounds at 1023 14th Street, Marysville, California, and both serve as the primary sites for housing Colusa County Youth Offenders (Youth). The Grand Jurors were given a thorough tour of the Facilities and had the opportunity to interview the Facility administration and staff, as well as two (2) youths. The Grand Jury finds that the facilities are running adequately despite their age and the staffing challenges it currently faces.

BACKGROUND

Section 919 (b) of the California Penal Code mandates that the Grand Jury inquire into the conditions of any public prison within the county. Since Colusa County sends their juvenile offenders to the Facilities located in Yuba County, the Grand Jury feels an obligation to ensure the safety and security of our County youth. Four (4) members of the Grand Jury completed an in-depth inspection of the Facilities on March 31, 2022.

METHODOLOGY

Information for this investigation was sourced from the following:

- The Grand Jury's inspection of the Juvenile Hall and Camp Singer
- Interviews with facility administration and staff
- Interviews from two (2) youths from the Juvenile Hall
- Research on data concerning services, including contracted services
- Review of past Colusa County Grand Jury reports
- Sutter County website (www.suttercounty.org)
- Colusa County website (www.countyofcolusa.org/)
- The Victor Organization (<https://www.victor.org/>)
- The California Board of State and Community Corrections (BSCC) Juvenile Hall regulations
- Tri- County Rehabilitation Faculty Orientation Manual
- Colusa County Grand Jury Procedures Manual

OVERVIEW OF THE FACILITIES

These Facilities are shared and funded by three local counties: Colusa County, Sutter County and Yuba County (Tri-Counties).

These Facilities house youths between the ages of 14-19 years old. The Juvenile Hall and Camp Singer each have a rated capacity of 60 youths. The Juvenile Hall holds youths from Yuba, Sutter and Colusa Counties only, while Camp Singer holds youths from eight (8) different surrounding counties. At the time of our inspection, the Juvenile Hall housed nine (9) males and zero (0) females, with one (1) youth from Colusa County. At the time of our inspection, Camp Singer housed five (5) males and two (2) females, none of whom were from Colusa County.

Staffing of the Facilities

The primary roles of Facility staff are to mentor, guide and support youth while maintaining enforcement of safety and security. Facility staff are trained on Title 15 regulations and requirements. Facility Supervisors must receive 40 hours of training and JCOs receive 24 hours of training annually.

Currently, there are 18 Juvenile Correction Officers (JCO's) employed at the Juvenile Hall and 14 JCO's employed at Camp Singer, for a total of 32 Facility staff. Facility staff reported that the staffing levels tend to fluctuate significantly due to a historically high turnover rate. Currently, the Facility is short several female JCO's. State requirements mandate eight (8) female JCO staff with at least one on duty for all shifts when there are female youths being held at the Facility. The JCO's work 12-hour shifts to provide continuous supervision. During the day when the youth are awake, the staff ratio is one (1) JCO to ten (10) youth. When the youth are asleep, the staff ratio is one (1) JCO to 30 youth.

Medical Services

Medical staff are available for the youth at both facilities and is provided by a third-party contractor, Wellpath®, based in Tennessee. Medical services include psychological, pharmaceutical, and physical. Minor medical needs are addressed on site. In the event a youth requires hospital treatment, staff will transport a youth to Rideout Memorial Hospital in Marysville. In serious cases, the youth will be transported to the hospital by ambulance.

Seven days a week a registered nurse is on-site during the day; and a Yuba County Jail Licensed Vocational Nurse (LVN) is on-site at night. A Wellpath® doctor is available five (5) days a week and on-call outside normal working hours. The doctor will speak with on-site health care staff every week to discuss any issues.

There are two (2) therapists from Yuba/Sutter County on staff, and one (1) therapist from Colusa County on-call that provides services six (6) days a week.

Kitchen and Dining Hall

There is one (1) dining hall servicing both Facilities, which is staffed by four (4) full-time and three (3) part-time employees. The kitchen area is small but functional. The kitchen is attached to the dining hall with a total capacity of 64. Youth receive five (5) meals per day (breakfast, lunch, dinner, and two (2) snacks). All meals are made from scratch by Juvenile kitchen staff, and all three (3) main meals are served hot. Meals are served separately for Juvenile Hall and Camp Singer youth. The Juvenile kitchen staff provides a variety of multi-cultural cuisine for youth and are highly receptive to their feedback. The Juvenile Kitchen staff have also implemented a weekly "Tasting Tuesdays" where youths are offered to try new menu options.

Recreation Area

The Juvenile Hall has a blacktop area in front of its classrooms that youths can use for recreation.

The Camp Singer facility has a large indoor recreation building which contains a full-sized basketball court, workout equipment, and ping-pong table. Adjacent to the recreation building is an outdoor recreation field.

Laundry Facilities

Camp Singer houses the laundry unit for the Facility. Camp Singer youth do all the laundry for the Facility. In addition, the Camp Singer youth are responsible for laundering the blankets and bedding for the local homeless shelter in Marysville.

DISCUSSION

On March 31, 2022, four (4) Colusa County Grand Jurors conducted an inspection of the Juvenile Hall and Camp Singer. Juvenile administration served as our inspection guides and shared with jurors the various areas of both Facilities. Below is an overview of the Grand Jury's inspection of both Facilities.

Juvenile Hall Inspection

Housing Units

The facility consists of 45 beds, but the linear layout of the beds is not Title XXIV compliant. The linear layout is outdated and is considered unsafe for both youths and Facility staff.

Youths are paired based on age and compatibility. Facility administration is receptive to feedback and works quickly to accommodate requests.

Facility administration operates and approaches interactions with youths with a focus on reducing triggers that can lead to increased stress, anxiety, or hostility. For example, shower curtains were added to the shower area to provide privacy for youths.

Juvenile Hall Processing

The Juvenile Hall holds youths who have been arrested and suspected of being involved in a crime. If not released to parental custody, they are held at the Juvenile Hall until they have their trial.

Due to COVID-19, all new youths are tested outside of Juvenile Hall before being processed. There is also a quarantine unit to hold youths before being introduced with the rest of the youth population. Once processed, youths will be seen by a medical professional within 96 hours for a medical assessment. The youth may also be evaluated by Behavioral Health staff, if needed.

Family Tree Center

After being processed, youths are taken to the Family Tree Center (Family Tree) where they meet with an onsite advocate (not a lawyer or counselor). The advocate assesses the needs of each youth (e.g., dental care, medical care and mental health) and is always willing to receive any requests or inquires the youth may make. If youth stay past 30 consecutive days, Family Tree will work with the youth's probation officer to meet the youth offenders' criminogenic needs. This is a multidisciplinary approach that promotes the positives and strengths each youth possesses, by pinpointing the triggers (both positive and negative) the youths may have. The goal is to find the best plan and future for each youth.

Parental support is an integral part of this multidisciplinary approach. Family Tree helps parents understand the complexities of the juvenile justice system and brings them up to speed on the "new" child that is being shaped in Juvenile Hall. Family Tree conducts group parental meetings every two weeks. Due to COVID-19, these meetings are currently held virtually over Zoom. For parents who may not have access to Zoom, Family Tree will make accommodations to meet with them in-person.

Each youth is allowed two (2) hours of visitation time weekly. The visiting week begins on Saturdays and ends on Fridays. There is a limit of six (6) reservations per session. Visits are made by appointment only and parents can schedule visits up to one (1) week in advance. Visiting is conducted in the Juvenile Hall's Central Day Room. Youths are able to use the in-house phone system where they can receive pre-approved calls from their parents, guardians or probation officer. The youth appointed probation officer is the person who approves the call list.

Community partners that support Family Tree include the Hall to Home Program and the NEXT (gang prevention) Program, both in partnership with the Yuba County Office of Education (YCOE).

The Juvenile Hall implements its Positive Behavioral Interventions and Supports (PBIS) Program. Good behavior is rewarded and is incentivized using a score card where youths can earn credits they can use for the Juvenile Hall's commissary.

Educational Programs

While in Juvenile Hall, youths are required to attend school. The Facility coordinates the required curriculum with on-site teachers. The Juvenile Facility has two (2) portable classrooms that the youth use to attend school. Only one (1) classroom is currently being used due to the low youth population.

Juvenile Hall Youth Interviews

The youth interviews were conducted during the inspection of the Juvenile Hall. Facility administration randomly selected two (2) youths for the Grand Jury to interview. Each youth was read the Grand Jury's admonishment but were not required to sign the document since they are minors.

Each youth interviewed stated they are treated well, and the grievance process is fair. The youths had no complaints about the food served at the Facility. The youth interviewees also described their participation in school and how they have the opportunity to earn their high school diploma.

New Juvenile Hall Update

The Tri-Counties currently have a new \$20M, 45-bed Juvenile Hall facility under construction directly across the street from the existing facility. Planning for the new Juvenile Hall began in 2014 and groundbreaking began in 2020. The new Juvenile Hall will be Title XXIV compliant and will not follow a linear design. It will also offer two (2) yards for recreation. Construction stopped in July 2021 for various reasons, including supply chain issues caused by the COVID-19 pandemic and Fire Marshall permitting. To date, only the foundation of the new Juvenile Hall has been built. Facility administration anticipates that construction should resume by summer of 2022.

Camp Singer Inspection

Camp Singer is a 365-day court commitment program for youths aged 14 – 19 who have been convicted of crimes. Camp Singer's goal is to promote youth development and achievements and reduce maladaptive behaviors. They do this through a highly-structured environment that exposes them to new opportunities and experiences and community outreach/engagement. Each youth's needs are assessed before entering Camp Singer, and behavioral health services are provided Monday through Saturday. Camp Singer is merit-based, where youths can earn credits for doing well in school and programs that can be applied to sentence reductions.

Housing Units

Camp Singer contains one (1) main housing building that contains two (2) identical open concept dormitory wings that can house 30 beds each, for a total of 60 beds. Each side contains its own restroom facilities, phones and common room spaces to relax or take art classes. Adjacent to the main housing building there is a housing unit specifically

designated for female youths. At the time of our inspection, the female youth population was small, so Facility administration was using one of the main dormitory wings to house the female population.

The female housing unit is being used by Camp Singer youths who require supervised alone time from other Camp Singer youths to decompress if they are experiencing emotional episodes brought on by past traumas.

Educational Programs

An education program is required for Camp Singer youth. There are two (2) classrooms onsite that are attached to the Arena. One (1) classroom is for instruction, and the other classroom has been converted into a library and music room. As an alternative to earning a GED, Camp Singer's focus is for youths to graduate from high school with a diploma.

Camp Singer also offers construction building and welding programs. To date, Camp Singer youths have built a greenhouse for the local charter school and a greenhouse for Camp Singer.

The welding program, started in October of 2021, provides Camp Singer youth the opportunity to earn a basic welding certification.

FINDINGS

- F1. The Grand Jury finds that all areas inspected at the Facility were clean and orderly.
- F2. The Grand Jury finds that the kitchen operations provide youth a wide variety of well-balanced food options.
- F3. The Grand Jury finds the school curriculum at the Facility is up to date and meets educational standards.
- F4. While the Grand Jury finds that the Arena at Camp Singer was in great shape, the recreation area at the Juvenile Hall is in marginal condition and repairs are needed.
- F5. The Grand Jury finds the Facility has vacant staff positions that should be filled.
- F6. The Grand Jury finds the Juvenile Hall is outdated and does not meet current facility standards due to its linear design layout, which poses safety risks to Facility staff and youths.

RECOMMENDATIONS

- R1. The Colusa County Grand Jury recommends that Tri-Counties continue moving forward with construction of the new Juvenile Hall facility.
- R2. The Grand Jury recommends Facility administration fill its vacant positions in a timely manner.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code §933 and §933.05:

Responses are required from the following individual:

- Superintendent, Tri-County Youth Rehabilitation Campus
 - Findings F1 through F6
 - Recommendations R1 and R2

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

DISCLAIMER

This report on the Inspection of the Tri-County Juvenile Rehabilitation Facility and Maxine Singer Youth Guidance Center is issued by the full 2021-2022 Grand Jury with no recusals for this investigation.